

# EXHIBIT 1

**From:** Ashley Keller  
**To:** Yetter, Paul; Zeke DeRose  
**Cc:** Warren Postman; Cowles, Shawn; Callahan, Bryce; Chee, Heaven; Siddiqui, Myra  
**Subject:** Re: Texas v. Google  
**Date:** Tuesday, January 5, 2021 8:38:16 PM  
**Attachments:** Proposed Schedule Google 1.5.21 - February[1].docx

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Paul,

Zeke and I are available to meet and confer tomorrow at 1 Central. Does that work?

As you have likely seen, Texas recently asked the Court to enter an interim PO that would allow us to provide you with an unredacted version of the complaint. You are of course welcome to tell the Court you support our motion. The so-called "agreement" you reference in my email was no such thing. Texas formally served Google with process rather than taking Google up on its offer to waive service. Texas was under no obligation to forgo service of a summons. And particularly in view of Google's focus on protecting third party confidential information, Texas viewed service of a summons, with our prompt request for an interim PO, as the prudent course. As Texas has not avoided the time and expense of formal service, it similarly should not have to lose valuable time in pursuit of this important case.

On that score, we requested that the Court set a Rule 16 conference. Attached to this email please find Texas's proposed schedule for this case. We are happy to meet and confer with you on this tomorrow or at your earliest convenience.

Best regards,  
Ashley

**Ashley Keller**  
Partner

**Keller | Lenkner**

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**From:** "Yetter, Paul" <[pyetter@yettercoleman.com](mailto:pyetter@yettercoleman.com)>  
**Date:** Tuesday, January 5, 2021 at 5:39 PM  
**To:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>, Zeke DeRose <[Zeke.DeRose@LanierLawFirm.com](mailto:Zeke.DeRose@LanierLawFirm.com)>  
**Cc:** Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>, "Cowles, Shawn" <[Shawn.Cowles@oag.texas.gov](mailto:Shawn.Cowles@oag.texas.gov)>, "Callahan, Bryce" <[bcallahan@yettercoleman.com](mailto:bcallahan@yettercoleman.com)>, "Chee, Heaven" <[hchee@yettercoleman.com](mailto:hchee@yettercoleman.com)>, "Siddiqui, Myra" <[msiddiqui@yettercoleman.com](mailto:msiddiqui@yettercoleman.com)>  
**Subject:** RE: Texas v. Google

Ashley and Zeke:

We appreciate the call yesterday and look forward to your response on the issues we raised concerning the unauthorized disclosures of confidential Google information and related breaches of the state and federal court orders, multistate Confidentiality Agreement, and Texas law.

As for the service issue, we request a meet and confer tomorrow. We were surprised and disappointed to hear your new position yesterday denying Google 60 days to respond once its outside counsel get an unredacted copy of the complaint. That position is contrary to our earlier agreement memorialized below. Nor is it reasonable. We have been asking for an unredacted copy of the complaint since it was filed, and we've committed to limit its distribution just to outside counsel. Given the length and complexity of the complaint, setting aside the redactions, it is both reasonable and customary to allow Google additional time to respond—as you agreed to do below and assured me on our earlier call. Beyond that, we do not understand why the Plaintiff States would insist that Google respond without its counsel seeing the full complaint. In short, we wish to discuss this new position before we're forced to take up the matter with the Court.

What times tomorrow afternoon would be convenient? Thank you.

**R. Paul Yetter | Partner | Yetter Coleman LLP**

811 Main Street, Suite 4100, Houston, Texas 77002

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**From:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Sent:** Wednesday, December 30, 2020 4:11 PM

**To:** Yetter, Paul <[pyetter@yettercoleman.com](mailto:pyetter@yettercoleman.com)>; Siddiqui, Myra <[msiddiqui@yettercoleman.com](mailto:msiddiqui@yettercoleman.com)>

**Cc:** Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Zeke DeRose <[Zeke.DeRose@LanierLawFirm.com](mailto:Zeke.DeRose@LanierLawFirm.com)>; Cowles, Shawn <[Shawn.Cowles@oag.texas.gov](mailto:Shawn.Cowles@oag.texas.gov)>

**Subject:** Re: Texas v. Google

Paul,

Please see the attached letter.

Thank you for agreeing to accept service and for similarly agreeing to have only outside attorneys view the unredacted complaint. I am comfortable with these emails memorializing our understanding, though I suggest that we discuss entering a full PO shortly after the holiday. On that note, wishing you and yours health and happiness in 2021.

Best regards,  
Ashley

**Ashley Keller**  
Partner

**Keller | Lenkner**

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**From:** "Yetter, Paul" <[pyetter@yettercoleman.com](mailto:pyetter@yettercoleman.com)>

**Date:** Wednesday, December 30, 2020 at 7:57 AM

**To:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Cc:** "Siddiqui, Myra" <[msiddiqui@yettercoleman.com](mailto:msiddiqui@yettercoleman.com)>, Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>, Zeke DeRose <[Zeke.DeRose@LanierLawFirm.com](mailto:Zeke.DeRose@LanierLawFirm.com)>, "Cowles, Shawn" <[Shawn.Cowles@oag.texas.gov](mailto:Shawn.Cowles@oag.texas.gov)>

**Subject:** RE: Texas v. Google

Ashley:

We look forward to the Texas response today and getting more transparency into and concrete steps from the State Plaintiffs' actions to remedy the wrongful disclosures and prevent future ones. As you likely know, there were further disclosures of Google information confidentially produced pursuant to Texas CIDs in another *Wall Street Journal* article yesterday. See [https://www.wsj.com/articles/inside-the-google-facebook-ad-deal-at-the-heart-of-a-price-fixing-lawsuit-11609254758?mod=itp\\_wsj&mod=djemITP\\_h](https://www.wsj.com/articles/inside-the-google-facebook-ad-deal-at-the-heart-of-a-price-fixing-lawsuit-11609254758?mod=itp_wsj&mod=djemITP_h).

As for service, we will waive formal service pursuant to Rule 4. I will accept service of a fully unredacted complaint with an outside attorneys' eyes only agreement, after which Google will have 60 days to respond to the complaint. Of course, accepting informal service is without prejudice to any of Google's rights to answer, challenge, or otherwise respond to the Texas complaint pursuant to the Federal Rules.

Best regards,

**R. Paul Yetter | Partner | Yetter Coleman LLP**

811 Main Street, Suite 4100, Houston, Texas 77002

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**From:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Sent:** Monday, December 28, 2020 1:30 PM

**To:** Yetter, Paul <[pyetter@yettercoleman.com](mailto:pyetter@yettercoleman.com)>

**Cc:** Siddiqui, Myra <[msiddiqui@yettercoleman.com](mailto:msiddiqui@yettercoleman.com)>; Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Zeke DeRose <[Zeke.DeRose@LanierLawFirm.com](mailto:Zeke.DeRose@LanierLawFirm.com)>; Cowles, Shawn <[Shawn.Cowles@oag.texas.gov](mailto:Shawn.Cowles@oag.texas.gov)>

**Subject:** Re: Texas v. Google

Paul,

Texas takes its confidentiality obligations seriously and proactively took steps to address the concerns you raised before you even contacted us. Texas is still reviewing the requests contained in the letter attached to your email below, which you sent at 6:02 p.m. on Christmas Eve. We will

provide a substantive response by close of business on Wednesday, December 30.

In the interim, after suggesting that Google was amenable to waiving formal service of process, you have ignored two separate emails asking you to confirm that understanding. We need to address this issue, one way or the other. Our preference is for you to accept service of an unredacted complaint with an outside attorneys' eyes only agreement, which is the approach you favored when we spoke by telephone. If you do not agree to that approach by December 30, we will be forced to burden the Court with motion practice to not only meet our service obligation but also to protect sensitive, third-party information contained in the unredacted complaint.

I am available to meet and confer anytime if you would like to discuss this live.

Best regards,  
Ashley

**Ashley Keller**  
Partner

**Keller | Lenkner**

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**From:** "Siddiqui, Myra" <[msiddiqui@yettercoleman.com](mailto:msiddiqui@yettercoleman.com)>

**Date:** Thursday, December 24, 2020 at 6:02 PM

**To:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>, Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>, Zeke DeRose <[Zeke.DeRose@LanierLawFirm.com](mailto:Zeke.DeRose@LanierLawFirm.com)>, "Cowles, Shawn" <[Shawn.Cowles@oag.texas.gov](mailto:Shawn.Cowles@oag.texas.gov)>

**Cc:** "Yetter, Paul" <[pyetter@yettercoleman.com](mailto:pyetter@yettercoleman.com)>

**Subject:** Texas v. Google

Counsel:

On behalf of Paul Yetter, please see the attached correspondence.

Thank you.

**Myra Siddiqui | Associate | Yetter Coleman LLP**

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